

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 9, 2021 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
John Ratliff, City Attorney
Traci Hushbeck, City Clerk
COL Rhett A. Taylor, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Associate Pastor John Hiller, Centenary United Methodist Church, followed by the Pledge of Allegiance

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four (Arrived @ 2:11 p.m.)
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PROCLAMATION HONORING DR. CHARLES WHITLOW

Mayor Booker presented a proclamation honoring the life of Dr. Charles Whitlow and recognized all of the contributions he made to this community.

REPORTS: MAYOR/CITY COUNCIL

Warren encouraged citizens to keep their pets indoors during the cold weather.

Hampton encouraged all the citizens to get involved in all of the things going on in the parks and recreation area.

Hankins stated she will get more information out about the ward one neighborhood watch meeting.

AUDIENCE PARTICIPATION:

Paul Greene, 806 NW 52nd Street, encouraged citizens to vote today on the hotel/motel tax election.

Michael Milich, Sr., 6810 SW Woodstock Avenue, thanked city staff for contacting him regarding Bishop Road. He was told that 1/2 mile of the road will be paved as soon as the weather warms up.

CONSENT AGENDA:

Mayor Booker stated item #10 will be considered separately.

MOVED by Warren SECOND by Hampton to approve the consent agenda with the exception of item #10. AYE: Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Rendell Williams in the amount of \$1,048.50 (**Res 21-39**), and KWS Leasing, LLC, in the amount of \$3,538.67 (**Res 21-40**).
2. Consider the following damage claims recommended for Denial: Marcus Bush in the amount of \$145.00, and Yolanda McKissack-Williams in the amount of \$4,454.46
3. Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Nolan Berry. **Resolution 21-41**
4. Consider accepting a \$1,517.00 donation to the Library from the Friends of the Library to be designated for library-related activities and library materials.
5. Consider accepting a grant from the Firehouse Subs Public Safety Foundation in the amount of \$23,676.75 for the procurement of 45 ballistic vests, and approving a resolution amending the City of Lawton FY20-21 budget, as amended, by appropriating \$23,676.75 to the Grant Fund's Supplies, Tools & Equipment Account (Fire Operations Division).
6. Consider accepting grant funds from the Corporation for National and Community Service in the amount of \$5,000.00 to be utilized in FY20-21 from the Federal Corporation for National and Community Services (CNCS) for the Retired and Senior Volunteer Program, and adopting a resolution amending the City of Lawton FY20-21 budget, as amended, by appropriating \$5,000.00 to the RSVP Cash Fund's Supplies, Tools, & Equipment account. **Resolution 21-42**
7. Consider authorizing staff to prepare and issue a Request for Proposal (RFP) for landfill gas beneficial use.

8. Consider accepting the Larrance Street Reconstruction - Gore Blvd. to D Ave. & Gore Blvd. and Railroad St. Intersection Improvements Project #2014-06 as constructed by MTZ Construction Inc. and placing the Maintenance Bond into effect.
9. Consider accepting a public access easement for the sidewalk constructed along Gore Boulevard, adjacent to Chief's Smokin' Icehouse located at 1801 W Gore Boulevard.
10. Consider accepting a public access easement for the sidewalk constructed along Gore Boulevard, adjacent to the EZ GO Store located at 2620 W Gore Boulevard.

Ratliff stated there is a scrivener's error with regards to this item. The last paragraph needs to be stricken from the agenda item commentary.

MOVED by Warren SECOND by Burk to accept a public access easement for the sidewalk constructed along Gore Boulevard, adjacent to the EZ GO Store located at 2620 W Gore Boulevard, striking the last paragraph of the agenda commentary. AYE: Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh. NAY: None. MOTION CARRIED.

11. Consider accepting a public access easement for the sidewalk constructed along NW Sheridan Road, adjacent to the Sonic Drive-In located at 1609 NW Sheridan Road
12. Consider accepting a temporary easement from Bryan K. & Anica M. Wilson, husband and wife, for the right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute document.
13. Consider approving appointments to boards and commissions.

Parks & Recreation Commission

Jacobi Crowley
1910 NW Arlington Avenue
Lawton, OK 73507
01/01/23

Sherene Williams
6807 SW Oakland Lane
Lawton, OK 73505
01/01/23

Lawton Enhancement Trust Authority

Ted Symuleski
2509 SW Cornell
Lawton, OK 73505
2/27/24

Lawton Metropolitan Area Airport Authority

Allan Hampton
1202 NW Bell Avenue
Lawton, OK 73507
UT 12/31/21

Great Plains Improvement Foundation

Jason Wells
3707 NE East Lake Drive
Lawton, OK 73507
3/1/24

NEW BUSINESS ITEMS:

14. Hold a public hearing and consider a Use Permitted on Review for the operation of a medical marijuana growing facility in conjunction with a medical marijuana dispensary in C-5 General Commercial District located at 417 SW 11th Street.

Richard Rogalski, Deputy City Manager, stated this request is for the North 75 feet of Lots 19-22, Block 13, Butler Addition. The applicants, Manuel Brisolara and Corbin Burgess, proposes to operate a medical marijuana growing facility in conjunction with a medical marijuana dispensary. The dispensary associated with the proposed growing facility has been in operation for over a year. The zoning of the surrounding area is C-5 to the north, south, and east and R-4 to the west. The land use of the surrounding area is a pawn shop to the north, business offices to the south, auto repair shop to the east, and vacant land to the west. On January 14, 2021, the City Planning Commission (CPC) held a public hearing and recommended approval, with an 8-0 vote of the Use Permitted on Review for a medical marijuana growing facility in conjunction with a medical marijuana dispensary. Notice of public hearing was mailed to 29 property owners within 300 feet of the requested area on January 19, 2021 and proper notice was published in *The Lawton Constitution* on January 22, 2021. No calls for or against the request have been received.

PUBLIC HEARING OPENED

Paul Greene, 806 NW 52nd Street, requested that Council Member Burk recuse himself since he is currently connected with an OMMA facility.

PUBLIC HEARING CLOSED

MOVED by Warren SECOND by Fortenbaugh to approve a Use Permitted on Review for the operation of a medical marijuana growing facility in conjunction with a medical marijuana dispensary in C-5 General Commercial District located at 417 SW 11th Street. AYE: Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

15. Hold a public hearing and consider an ordinance amending Chapter 18, Lawton City Code, 2015, Section 18-9-1-908, by increasing the maximum size of an electronic message center sign when located within two hundred feet of residential or agricultural zoning districts.

Rogalski stated electronic message center signs on arterials are becoming more and more common within the community. With the current code, the electronic message center signs are limited to 25 square feet when located within 200 feet of any residential and agricultural zoning districts. The exception to the 25 square feet is only when screened from the said districts by a building or other object. It is becoming increasingly frequent for property owners to apply for a variance of the size limitation through the Board of Adjustments. The Board of Adjustments has approved eight such variances for a fairly small increase in size since January of 2019. The Board of Adjustment asked staff to look into increasing the maximum size of such signs. Staff spoke to representatives from local sign companies and were provided with a 64 square feet sign size as a reasonable size limitation when located within 200 feet of any residential and agricultural zoning districts. This sign size would have accommodated all but two of the variance requests. It should be noted that current code requires all electronic message center signs to be dimmed to 0.3 foot-candles above ambient light when measured at a certain distance from the sign based on the sign area. This calculation for a 64 square feet sign size is 80 feet. This requirement further protects the adjacent properties from the impact of the larger sign area. The City Planning Commission held a public hearing on January 14, 2021, and recommended approval with an 8-0 vote. Notice of the public hearing was published in *The Lawton Constitution* on January 22, 2021.

Warren questioned if we had a meter to read the brightness.

Rogalski stated yes, they can test ambient light.

Warren stated he has received several calls regarding different locations, and he will pass those along to staff.

Chapman stated many of these signs are very low. She questioned if there were any specification on height.

Rogalski stated there are height specification in our code. The maximum height of a sign is 50 feet.

Chapman stated she is concerned about the possibility of future infringement on residential areas. Some of the signs are so bright and she questioned if someone will be monitoring this.

Rogalski stated when staff gets a call about a sign being too bright, they call the sign company who will check it out. In every case they have had there has been a mistake in the programming and they fix it immediately.

Hankins heard from citizens regarding increasing the light and how some of the signs on Cache Road are infringing on some of the constituents with regards to outside activities.

Hampton stated he owns one of these signs are there are seven dimmer settings on his sign. It is difficult to enforce this sort of policy.

Rogalski stated it would be like any other zoning violation where they would contact the property owner to get them to comply and if not, they would look at a citation.

PUBLIC HEARING OPENED

Sharon Cheatwood, 2112 NW Baltimore, stated her backyard faces Sheridan Road and Cache Road. She can see the Whataburger sign from her backyard. She is concerned about the migration of the birds in our area because the songbirds migrate at night. She questioned what is the end game for the people that live in her area? It has been wonderful that people are reinvesting in our city, but she would like to feel that her backyard is a little bit of an oasis. She suggested that planning staff work to find an optimal scale to help the migrating birds so that they can help with our agriculture because plants are affected by additional lighting. She does not want to lose her night sky.

PUBLIC HEARING CLOSED

Burk stated that part of our problem is sign height when it comes to these brighter signs. People must be respectful when they are near neighborhoods. He feels they need to drop back and look at height and they need to look at anything that is near a residential area. It may help if you can keep the lights lower.

Rogalski stated they were asked by the Board of Adjustment to draft this ordinance because they get numerous requests for these types of variances and they wanted the city council to look at this issue. He stated staff can look at a couple different issues if council will give him some direction.

Warren stated they need to encompass not only LED lights but signs that are lit in any way.

Chapman clarified that they are going from 25 square feet to 64 square feet, over twice as much.

Rogalski stated yes.

Chapman stated that means twice as much light.

Rogalski stated it is twice as much surface area, but they can be turned to any level so it may not be more brightness. It comes down to how much light we want flashing around. The goal was to encompass the requests that were coming towards us.

Burk questioned how many requests were approved by the Board of Adjustment.

Rogalski stated all were approved. One had to be adjusted. We want our codes to stay current and we are trying to balance the impact on the neighborhood with the impact to the retailer.

Burk stated if they are going to help residential folks out, they need to stop it right here. He feels this needs to be looked at again with regards to the footage from residential areas and the brightness and height of the signs.

Hampton stated there are cities that have districts where they try to keep signs low and he suggested that LETA look at areas of town where that could be done.

Fortenbaugh stated that he is concerned that we are focusing on LED signs, but they need to look at all of them as far as appropriate brightness.

Burk stated he chairs a council sign committee and he suggested they look at cleaning up the current sign ordinance.

MOVED by Burk SECOND by Fortenbaugh to send this item back to staff to look at heights, brightness and footage from residential. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Consider an ordinance amending Personnel Policies and Procedures Section 17-2-9-215, Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2015, by changing the month the Employee Advisory Committee may request a meeting with the City Manager for budgetary purposes from March to January; providing for severability and declaring an effective date.

Dewayne Burk, Human Resources Director, stated this item was brought forth by the Employee Advisory Committee who meets monthly. A couple times a year they are able to make suggestions to the City Manager. They are requesting that they get those items to the City Manager earlier so they would have a better opportunity to be considered during the budget process.

MOVED by Burk SECOND by Warren to adopt **Ordinance 21-01**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-01

An ordinance pertaining to personnel policies and procedures, amending Section 17-2-9-215, Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2015, by changing the month the Employee Advisory Committee may request a meeting with the City Manager for budgetary purposes from march to January; providing for severability and establishing an effective date.

17. Consider enacting an Ordinance pertaining to Administration, amending and renaming Division 2-3-12, amending and renaming sections 2-3-12-372 through 2-3-12-376, Article 2-3, Chapter 2, Lawton City Code, 2015, by creating a Race Relations Commission, providing for severability, and declaring an effective date.

Kelea Fisher, Deputy City Attorney, stated at the request of the Race Relations Council Committee and the Mayor, she has drafted an ordinance that creates a Race Relations Commission. The terms of the ordinance are that there are 15 members, 3 of whom are nominated by the Mayor and 12 are nominated by the Race Relations Council Committee. The nominees will be brought to the council at the next meeting for consideration. The purpose of the commission is set forth in the ordinance and are directed towards improving race equality within the city of Lawton.

Johnson thanked Council Members Hankins and Hampton for working with her on the council committee. The purpose is to bring some equality and equity in the city of Lawton. There are different areas the commission will be working on.

Hampton thanked all the citizens that wanted to be involved.

Hankins stated they had some great candidates and she really enjoyed the interviews.

MOVED by Chapman SECOND by Jackson to adopt **Ordinance 21-02** waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-02

AN ORDINANCE PERTAINING TO ADMINISTRATION, AMENDING AND RENAMING DIVISION 2-3-12, AMENDING AND RENAMING SECTIONS 2-3-12-372 THROUGH 2-3-12-376, ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, BY CREATING A RACE RELATIONS COMMISSION, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

STAFF REPORTS:

Chief James Smith, Lawton Police Department, briefed the council on the duties of the various divisions of the Lawton Police Department.

Larry Wolcott, Public Works Director, briefed the council on the repairs to Bishop Road. He stated that the staff recommendation would be to utilize CIP funding to do an in house construction project for the last 9/10th of a mile. He stated they would do this in phases, a 1/4 mile at a time and the cost would be \$300,000.

Cleghorn stated the initial request was for 1/2 mile, but when they went back and looked at the maintenance of the chip/seal over that same distance or if you apply it to a 1/2 mile of asphalt or a mile of asphalt, the asphalt will last 20-30 years where the chip/seal would last 5-7 years. He stated if they are going to do a 1/2 mile they might as well do a mile and be done with that road. He questioned if council preferred to do the 1/2 mile or full mile.

Johnson recommended they do the mile and get it done. She thanked staff for getting a quick solution to this problem.

The Mayor and Council convened in executive session at 3:15 p.m. and reconvened in regular, open session at 5:21 p.m.

EXECUTIVE SESSION ITEMS:

18. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Michael Cleghorn as City Manager, and in open session take other action as necessary.

Ratliff read the title of item #18.

MOVED by Burk SECOND by Warren to approve 30 days of vacation leave a year and a buyback can happen with anything over ten days with no accrual over 30 days and a 2.5% increase into his retirement account. AYE: Fortenbaugh, Johnson, Warren, Hankins, Chapman, Burk, Hampton, Booker. NAY: None. ABSENT: Jackson. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 5:23 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK